

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN WALSH, III	:	CIVIL ACTION NO. 3:16-1722
Plaintiff	:	
v.	:	(Mannion, D.J.)
ROBERT WALACE, ESQ., et al.,	:	(Carlson, M.J.)
Defendants	:	

ORDER

Based on the report of Judge Carlson, (Doc. [3](#)), to which no objections have been filed, **IT IS HEREBY ORDERED THAT** the report is **ADOPTED IN ITS ENTIRETY**.¹ Plaintiff's complaint, (Doc. [1](#)), is **DISMISSED WITHOUT PREJUDICE**. See [Roy v. Supreme Court of U.S., 484 F.App'x 700, 700 \(3d Cir. 2012\)](#) (dismissal under Rule 8 is justified if the complaint is not

¹As Judge Carlson finds, Walsh fails to allege how the denial of a permit to protest on Lackawanna County Court property due to his failure to obtain required liability insurance is a violation of his First Amendment rights. As Judge Carlson points out, (Doc. [3](#), at 13), "narrowly-tailored and content neutral insurance requirements relating to the use of public forums may not offend the Constitution." (citing [iMatter Utah v. Njord, 980 F. Supp. 2d 1356, 1370 \(D.Utah 2013\)](#), *aff'd*, [774 F.3d 1258 \(10th Cir. 2014\)](#)).

Moreover, as Judge Carlson finds, Judge Michael Barrasse is protected by absolute immunity for all judicial acts except those made in the clear absence of jurisdiction. [Cleavinger v. Saxner, 474 U.S. 193, 199, 106 S.Ct. 496, 88 L.Ed.2d 507 \(1985\)](#); [Stump v. Sparkman, 435 U.S. 349, 356-67, 98 S.Ct. 1099, 55 L.Ed.2d 331 \(1978\)](#); [Clark v. Conahan, 737 F.Supp.2d 239, 255-256 \(M.D.Pa. 2010\)](#). "Judicial immunity provides complete immunity from suit, not merely from an ultimate assessment of damages." [Smith v. Laster, 787 F.Supp.2d at 319](#) (citing [Mireles v. Waco, 502 U.S. 9, 11, 112 S.Ct. 286, 116 L.Ed.2d 9 \(1991\)](#)).

comprehensible). Leave to amend is **GRANTED** and plaintiff is directed to file an amended complaint as specified in Judge Carlson's report within 21 days of the date of this Order.² The clerk of court is directed to recommit this case to Judge Carlson for further proceedings.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: September 12, 2016

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²Insofar as Walsh filed an addendum to his complaint to add the City of Scranton as a defendant and to add more violations of his rights under the Fourth and Fourteenth Amendments, (Doc. [4](#)), this addendum must be incorporated in any amended complaint that Walsh files. Also, Walsh is advised that any constitutional claims against municipal defendants must comport with [Monell v. Dept. of Soc. Servs., New York City, 436 U.S. 658, 694–95, 98 S.Ct. 2018 \(1978\)](#). See [Carswell v. Bor. of Homestead, 381 F.3d 235, 244 \(3d Cir. 2004\)](#).